

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

This Document Relates To:

City of Fresno v. Chevron U.S.A. Inc., et al., No. 04 Civ. 4973 (SAS)

Master File No. 1:00-1898 MDL 1358 (SAS) M21-88

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE UNDER FED.R.CIV.P. 41(a)(2)

### SHIRA A. SCHEINDLIN, U.S.D.J.:

#### **STIPULATION**

Plaintiff City of Fresno and Defendants Atlantic Richfield Company, BP West Coast Products LLC, and BP Products North America Inc. (collectively, the "BP Defendants") have resolved the matters between them and agreed to the entry of dismissal with prejudice of the BP Defendants pursuant to Fed. R. Civ. P. 41(a)(2), with each party to bear its own costs and attorneys' fees.

#### SO STIPULATED:

Dated: February 14, 2013

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Dated: February 4, 2013

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Atlantic Richfield Company, BP West Coast Products LLC, and BP Products North

America Inc.

## <u>ORDER</u>

- 1. This Court has jurisdiction over the parties to this Stipulation and over the subject matter of this action. The parties to this Stipulation have advised the Court of their agreement to settle this matter pursuant to a Settlement Agreement and General Release and this Stipulation. On January 25, 2013, the Court entered the Order granting BP Defendants' Motion for Good Faith Settlement Determination.
- 2. The BP Defendants are dismissed with prejudice from this action, pursuant to Fed. R. Civ. P. 41(a)(2).
  - 3. Each party to this Stipulation shall bear its own costs and attorneys' fees.

SO ORDERED:

Shira A. Scheindlin

TESD I

Dated: New York, New York

February / 9, 2013

PROOF OF SERVICE VIA LEXISNEXIS FILE AND SERVE I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein referred to, over the age of 18 years and not a party to this action. My business address is 1050 Fulton Avenue, Suite 100, Sacramento, CA 95825-4225. On the date below, I served the following document on all counsel in *City of Fresno v. Chevron U.S.A., Inc., et al.*, Case No. 04 Civ 4973 (SAS), electronically through LexisNexis File & Serve: STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE UNDER FED. R. CIV. P. 41(a)(2) I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed on February 14, 2013, at Sacramento, California. Kathy Herron